

IT IS FURTHER ORDERED that the Plaintiff's Motion to Amend (Doc. Nos. 40 and 51) are DENIED as futile.

The report and recommendation of Magistrate Judge Baxter, dated February 28, 2006, is about as the opinion of the Court. This case is dismissed with prejudice.

Sean J. McLaughlin,
United States District Judge

cc: Susan Paradise Baxter,
United States Magistrate Judge

All parties of record. nmk